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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/990,216	11/21/2001	Elmo Marcus Attila Diederiks	NL 000637	3553

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BRIARCLIFF MANOR, NY 10510

EXAMINER

CHAI, LONGBIT

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/990,216

Applicant(s)

DIEDERIKS ET AL.

Examiner

Longbit Chai

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Claims 1 – 7 have been presented for examination. Claim 3 has been canceled; claims 1, 2 and 4 – 7 have been amended in an amendment filed 6/20/2005.

### ***Response to Arguments***

2. Applicant's arguments filed on 6/20/2005 with respect to instant claims have been fully considered but are moot in view of the new ground(s) of rejection. See the same reasons as the response set forth in the following Office action

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraph of 35 U.S.C. 102 that forms the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nagata (Patent Number: 4677657).

As per claim 1, Nagata teaches a storage medium for storing audio and/or video data (Nagata: see for example, Column 3 Line 60 – 65), the storage medium including a

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semiconductor memory for storing the audio and/or video data in digital form (Nagata: see for example, Column 4 Line 40 – 42), characterized in that the storage medium includes a conversion unit for converting the digital audio and/or video data into analog audio and/or video output signals suitable for reproduction by a reproducing apparatuses, and in that the output lines of the storage medium, on which the analog audio and/or video output signals are made available to the reproducing apparatus, are connected to the conversion unit (Nagata: see for example, Column 4 Line 42 – 45)), for making only the analog audio and/or video output signals externally available from the storage medium (Nagata: see for example, Column 4 Line 44 – 45), while the audio and/or video output is not externally available in digital form (Nagata: see for example, Column 4 Line 41 – 42: the digital data is stored internally in the memory).

As per claim 2, Nagata teaches the claimed invention as described above (see claim 1). Nagata further teaches characterized in that the conversion unit includes a decoder for decoding compressed and/or encoded data (Nagata: see for example, Column 11 Line 49 – 50).

As per claim 5, Nagata teaches the claimed invention as described above (see claim 1). Nagata further teaches characterized in that storage medium takes the form of a chip card (Nagata: see for example, Figure 3 & Column 4 Line 66 – 68).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A person shall be entitled to a patent unless –

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata (Patent Number: 4677657), in view of Truchsess (Patent Number: 5734726).

As per claim 4, Nagata teaches the claimed invention as described above (see claim 1). Nagata does not teach characterized in that the semiconductor memory and the conversion unit are integrated in a single microchip.

Truchsess teaches characterized in that the semiconductor memory and the conversion unit are integrated in a single microchip (Truchsess: see for example, Figure 5 & Column 5 Line 34 – 37).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Truchsess within the system of Nagata because Truchsess teaches providing a more compact and highly integrated system wherein the memory and converter are all incorporated in a voice IC (Truchsess: see for example, Figure 5 & Column 5 Line 34 – 37).

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata (Patent Number: 4677657), in view of Micic (Patent Number: 4905289).

As per claim 6, Nagata teaches the claimed invention as described above (see claim 1). Nagata does not disclose expressly characterized in that the semiconductor memory (3) is a read-only memory.

Micic teaches characterized in that the semiconductor memory is a read-only memory (Micic: see for example, Abstract Line 1 – 2).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Micic within the system of Nagata because Micic teaches a simplified apparatus for digital storage of audio signals (Micic: see for example, Column 1 Line 54 – 55).

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata (Patent Number: 4677657), in view of Scibora (Patent Number: 6122230).

As per claim 7, Nagata teaches the claimed invention as described above (see claim 1). Nagata does not disclose expressly characterized in that the conversion unit is configurable subject to authorization control and/or irreversibly.

Scibora teaches characterized in that the conversion unit is configurable subject to authorization control and/or irreversibly (Scibora: see for example, Column 6 Line 24 -- 27).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teaching of Scibora within the system of Nagata because Scibora teaches implementing the the universal compressed audio player with copy right protection for the decoding software (Scibora: see for example, Column 6 Line 17 – 19).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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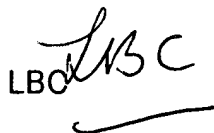
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Longbit Chai whose telephone number is 571-272-3788.

The examiner can normally be reached on Monday-Friday 8:00am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R. Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Longbit Chai  
Examiner  
Art Unit 2131

LBC 

  
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